

SUPREME COURT RULES.

with the Registrar a suggestion in the form following:—

“A. vs. B.”

“I, A. B., intend to appear in person in this appeal.”

(Signed). A. B.

18. If no such suggestion shall be filed, and until an order shall have been obtained as hereinafter provided for a change of solicitor or attorney, the solicitor or attorney who appeared for any party respondent in the court below shall be deemed to be his solicitor or attorney in the appeal to this court.

19. When a respondent has appeared in person in the court below he may elect to appear by attorney or solicitor in the appeal, in which case the attorney or solicitor shall file a suggestion to that effect in the office of the Registrar, and thereafter the notice of hearing and all other papers are to be served on such attorney or solicitor as hereinbefore provided.

20. A respondent who appears in person may by a suggestion filed in the Registrar's office, elect some domicile or place at the city of Ottawa, at which all notices and papers may be served upon him, in which case service at such place of the notice of hearing and all other notices and papers shall be deemed good service on the respondent.

21. In case the respondent shall have appeared in person in the court appealed from, or shall have filed a suggestion pursuant to rule 17, shall not, before service, have elected a domicile at the city of Ottawa, the notice of hearing may be served by affixing the same in some conspicuous place in the office of the Registrar.

22. Any party to an appeal may on an ex parte application to a Judge obtain an order to change his attorney or solicitor, and after service of such order on the opposite party, all services of notices and other papers are to be made on the new attorney or solicitor.

23. At least *one month* before the first day of the session at which the appeal is to be heard, the parties appellant and respondent shall each deposit with the Registrar, for the use of the court and its officers, *twenty-five* copies of his factum or points for argument in appeal.

24. The factum or points for argument in appeal shall contain a concise statement of the facts, and of the points of law intended to be relied on, and of the arguments and authorities to be urged and cited at the hearing, arranged under the appropriate heads.

25. The factum or points for argument in appeal shall be printed in the same form and

manner as hereinbefore provided for with regard to the case in appeal, and shall not be received by the Registrar unless the requirements hereinbefore contained, as regards the case, are all complied with.

26. If the appellant does not deposit his factum or points for argument in appeal within the time limited by order 23, the respondent shall be at liberty to move to dismiss the appeal on the ground of undue delay, as provided for by section 41 of the Act.

27. If the respondent fails to deposit his factum or points for argument in appeal within the said prescribed period, the appellant may set down or inscribe the cause for hearing ex parte.

28. Such setting down or inscription ex parte may be set aside or discharged upon an application to a judge in chambers sufficiently supported by affidavits.

29. The factum or points for argument in appeal first deposited with the Registrar shall be kept by him under seal, and shall in no case be communicated to the opposite party until the latter shall himself bring in and deposit his own factum or points.

30. So soon as both parties shall have deposited their said factum or points in argument in appeal, each party shall, at the request of the other, deliver to him *three* copies of his said factum or points.

31. Appeals shall be set down or inscribed for hearing in a book to be kept for that purpose by the Registrar at least *one month* before the first day of the session of the court fixed for the hearing of the appeal.

Hearing.

32. No more than two counsel on each side shall be heard on any appeal, and but one counsel shall be heard in reply.

33. The court may in its discretion postpone the hearing until any future day during the same session, or at any following session.

34. Appeals shall be held in the order in which they have been set down, and if either party neglect to appear at the proper day to support or resist the appeal the court may hear the other party and may give judgment without the intervention of the party so neglecting to appear, or may postpone the hearing upon such terms as to payment of costs or otherwise as the court shall direct.

35. All orders of this court in cases of appeal shall bear date on the day of the judgment or decision being pronounced, and shall be signed by the Registrar.